In the Supreme Court of the United States

OCTOBER TERM, 1951

No. 589

N. G. SEITZ AND B. S. GLADNEY, *Petitioners*

v.

THE CHOCTAW AND CHICKASAW NATIONS AND THE UNITED STATES OF AMERICA

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Tenth Circuit

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MEMORANDUM FOR THE UNITED STATES

Both the district court and the court of appeals have held that, since the United States had not consented to be sued in the instant case, the complaint should be dismissed as to the United States (R. 11, 15). No question is here presented as to that ruling. Petitioners contend only that the United States was an indispensable party to the

quiet title action, so that a trial on the merits should not be permitted to proceed in the Government's absence (see Pet. 2, 4, 9-12). Although not directly affected by this contention, the Government believes that, for the reasons outlined in the opinion of the court of appeals (R. 16-21), it is not an indispensable party to the proceeding and that the Indian tribes are entitled to an adjudication of their claims on the merits.

Respectfully submitted,

PHILIP B. PERLMAN,
Solicitor General.

MARCH, 1952.

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